



REMARKS

In response to the Office Action dated July 20, 2001, favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks.

Claims 1-20 are pending in the application. Claims 1-5 and 12-19 have been withdrawn from consideration. Therefore, claims 6-11 and 20 are addressed in the following remarks.

The foregoing claim amendments were made to place the present application in better form for examination. The foregoing claim amendments are not narrowing. Rather, they represent an explicit restatement of the implicit feature of the display speed information indicating the number of objects displayed per unit time.

Claims 6-7 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Tan et al.* (U.S. Patent No. 6,075,576). Claims 8-11 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Tan et al.* (U.S. Patent No. 6,075,576) in view of *Suzuki et al.* (U.S. Patent No. 6,031,575). Applicants respectfully traverse each of these rejections for at least the following reasons.

Regarding claim 6, the Examiner has alleged that the *Tan et al.* patent discloses a display speed information decoding means for decoding object display speed information from an encoded bit stream. The Examiner relies on an assumption that the VOP time increments disclosed by the *Tan et al.* patent are "equivalent" to the claimed object display speed information of the present invention. Applicants respectfully suggest that the VOP time increment is not equivalent to the claimed object display speed information. Using the Examiner's assumption that $1/VOP$ time offset would

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equal speed, the I-type VOP time offset shown in Fig. 3A of *Tan et al.* (i.e., 350ms) would yield a VOP rate of 2.85/sec. However, this interpretation is clearly contradicted by the *Tan et al.* patent itself as there is no subsequent VOP shown at the appropriate time intervals (i.e., 700, 1050, etc.).

In contrast to the Examiner's interpretation, the *Tan et al.* patent discloses only a bit stream with a VOP time increment and time offset. These combined do not yield object display speed information. Instead, they merely disclose independent locations in time. Further, the previously mentioned I-type VOP time offset of 350ms is meaningless for determining object display speed information unless you know the previous or subsequent occurrence times. For example, if the VOP rate was 1/sec, then one could expect a series of VOP increments of 350 based on the 1 sec modulo time base described in the *Tan et al.* patent. However, if the rate was VOP rate was 2/sec, then the stream that started with the 350 base would be "0" | 850, "10" | 350, "0" | 850, etc. Therefore, VOP time offset is not equivalent to object display speed information. In contrast to the present invention, the VOP time offset of the *Tan et al.* patent only provides information about a single time instant.

Further, the *Tan et al.* patent contains no reference to object display speed information or a display speed information decoding means. Since there is no display speed information decoding means taught or suggested by the *Tan et al.* patent, there is no control means for controlling reconstruction of the encoded image based on the decoded object display speed information taught or suggested by the *Tan et al.* patent. Therefore, the *Tan et al.* patent does not disclose a display speed information decoding

means or a control means for controlling reconstruction of the encoded image as alleged by the Examiner.

Still further, the display speed information is not something that is determined from VOP increments themselves or a relation between the VOP increments. This information indicates the number of objects displayed per a unit time (see page 11, lines 3-7 of the present application). Thus, using a simple system, a plurality of objects combined in an image frame are displayed at respective proper display speeds, using a simple system (see page 20, lines 18-23 of the present application).

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Therefore, the *Tan et al.* patent does not anticipate the Applicants' claimed combinations at least because the *Tan et al.* patent does not disclose a display speed information decoding means or a control means using the decoded display speed information as described above.

Additionally, the teachings of the *Suzuki et al.* patent do not remedy the deficiencies of the *Tan et al.* patent noted above. Therefore, the combination of the *Tan et al.* and *Suzuki et al.* documents do not render the Applicants' claimed combinations obvious, as suggested in the Office Action. Further, Applicants submit that one of ordinary skill in the art would not have been motivated to modify the systems of *Tan et al.* and *Suzuki et al.* to arrive at Applicants' claimed combinations absent impermissible hindsight reference to Applicants' specification.

For at least the foregoing reasons, it is respectfully submitted that claim 6 is distinguishable over the applied art. The remaining dependent claims 7-11 are allowable at least by virtue of their dependency on the above-identified independent claim. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

New independent claim 20 recites related subject matter to the above-identified independent claim 6 and is therefore allowable for reasons similar to those given above.

CONCLUSION:

If the Examiner has any questions or needs to discuss any matters dealing with this application, he is requested to contact Mark E. Olds, Reg. No. 46,507 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend the claims as follows:

6. (Amended) An image decoding device which decodes an encoded bit stream formed by encoding images for each object, comprising:

display speed information decoding means for decoding object display speed information from said encoded bit stream, the display speed information indicating a number of objects displayed per a unit time; and

control means for controlling the reconstruction of said encoded images encoded for each object, based on said decoded object display speed information.

New claim 20 has been added herein.